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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,692	02/22/2002	Michael K. Zyskowski	MICR0261	5312
27792	7590	02/27/2006		
RONALD M. ANDERSON MICROSOFT CORPORATION 600 108TH AVENUE N.E., SUITE 507 BELLEVUE, WA 98004			EXAMINER SHARON, AYAL I	
			ART UNIT	PAPER NUMBER
			2123	

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,692

Applicant(s)

ZYSKOWSKI, MICHAEL K.

Examiner

Ayal I. Sharon

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/22/2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Introduction

1. Claims 1-34 of U.S. Application 10/082,692, originally filed on 02/22/2002, are currently pending.
2. The Applicant has amended claims 1, 4, 12, 14, 19, 23 and 31 in the amendment filed 11/09/2005
3. New art rejections have been applied to amended claims 1, 12, 19, 29 and their dependent claims 2-11, 13-18, and 20-28, and 30-34
4. This action is non-final.

Oath/Declaration

5. Examiner has located a relevant published article that was authored by the inventor of the instant application. These article is:
 - Zyskowski, Michael K. "Aircraft Simulation Techniques Used in Low-Cost, Commercial Software." AIAA Modeling and Simulation Technologies Conference and Exhibit. Aug. 11-14, 2003. Austin, Texas.
<http://fsinsider.com/articles/aircraftsimulation.com> ("Zyskowski")
6. Examiner notes the statement in on p.2, col.2, "Core Simulation Engine" section, para.1, which states: "I've taken the liberty to share this knowledge, but make no claim to have designed or otherwise invented all the information provided here."

7. The Applicant is reminded of his declaration, which acknowledges the duty to disclose to the Office all information known to the inventor to be material to patentability as defined in 37 CFR 1.56.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. **Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.** Regarding independent claims 1 and 12, the phrase "substantially" renders the claim indefinite because it is unclear what are the metes and bounds of this limitation.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. The prior art used for these rejections is as follows:

1. Zyskowski, Michael K. "Aircraft Simulation Techniques Used in Low-Cost, Commercial Software." AIAA Modeling and Simulation Technologies

Conference and Exhibit. Aug. 11-14, 2003. Austin, Texas.

<http://fsinsider.com/articles/aircraftsimulation.com>

12. The Zyskowski reference post-dates the filing date of the application, however, it teaches prior art that pre-dates the filing date of the application. These teachings are prior art as per *In re Epstein*, 32 F.3d 1559, 31 USPQ2d 1817 (Fed. Cir. 1994), which is discussed in MPEP § 2128.

13. The claim rejections are hereby summarized for Applicant's convenience. The detailed rejections follow.

14. Claims 1-34 are rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention.

15. The Zyskowski reference teaches (see p.6) aerodynamic coefficients used to mathematically model airplane behavior. These equations are attributed to reference 3 in the list of references (see p.11 of Zyskowski), which is:

- Roskam, Jan, Airplane Flight Dynamics and Automatic Flight Controls, Part I, DARCorporation, Lawrence, KS 1995.

These aerodynamic coefficients were therefore old and well known at the time the application was filed.

16. The Zyskowski reference also teaches (see p.2) the use of an interactive "core simulation engine in both Microsoft Flight Simulator (MSFS) and Microsoft Combat Flight Simulator (MSCFS). According to the teachings on page 2, MSCFS was first introduced a year after the release of FS98, which Examiner interprets as being in 1997 or 1998. The interactive simulation using the "core

Art Unit: 2123

simulation engine" was therefore on sale more than a year before the instant application was filed.

17. The Zyskowski reference also teaches (see p.1, abstract) interactive simulated flying of aircraft.

18. An issue of public use or on sale activity has been raised in this application. In order for the examiner to properly consider patentability of the claimed invention under 35 U.S.C. 102(b), additional information regarding this issue is required as follows:

- Information regarding the features of the different versions of Microsoft Flight Simulator dating back to the versions titled "FS98" and "CFS1.0".
- Information as to how these versions of the Microsoft Flight Simulator, starting with "FS98" and "CFS1.0", differ from the claimed invention.

Applicant is reminded that failure to fully reply to this requirement for information will result in a holding of abandonment.

19. Claims 1-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Zyskowski.

20. In regards to Claim 1, Zyskowski teaches the following limitations (See Zyskowski, especially: pp.1-2, 6, and 11):

1. (Currently Amended) A method for enabling a user to create or modify a design for an aircraft and evaluate flight characteristics of the design, comprising the steps of
 - (a) enabling the user to input a plurality of parameters that define the design of the aircraft;
 - (b) processing the plurality of parameters to generate a plurality of aerodynamic coefficients that define a flight model for the design of the aircraft;
 - (c) producing a plurality of flight model data files that include:

- (i) the aerodynamic coefficients generated; and
- (ii) selected parameters input by the user; and

(d) enabling the user to evaluate the flight characteristics of the design by interactive, simulated flying of the aircraft within a flight simulation program using the plurality of flight model data files, wherein said interactive, simulated flying of the aircraft enables the user's evaluation to be substantially based on a point of view of a pilot flying the aircraft.

21. In regards to Claim 2, Zyskowski teaches the following limitations (See Zyskowski, especially: pp.1-2, 6, and 11):

2. (Original) The method of Claim 1, wherein the plurality of parameters include geometric properties of the aircraft, and wherein the step of processing comprises the step of using the geometric properties to determine a force developed by each of a plurality of component surfaces of the aircraft.

22. In regards to Claim 3, Zyskowski teaches the following limitations (See Zyskowski, especially: pp.1-2, 6, and 11):

3. (Original) The method of Claim 1, wherein the step of enabling the user to input the plurality of parameters comprises the steps of:

(a) associating allowed limits for at least some of the plurality of parameters; and

(b) providing an indication if the user enters a parameter that is outside the allowed limits associated with said parameter.

23. In regards to Claim 4, Zyskowski teaches the following limitations (See Zyskowski, especially: pp.1-2, 6, and 11):

4. (Currently Amended) The method of Claim 3, further comprising the step of excluding entry of any parameter that is outside the allowed limits associated with said parameter.

24. In regards to Claim 5, Zyskowski teaches the following limitations (See Zyskowski, especially: pp.1-2, 6, and 11):

5. (Original) The method of Claim 1, further comprising the steps of:

(a) enabling the user to modify at least one of a plurality of parameters of an existing design for an aircraft; and

(b) repeating steps (b) through (d) in Claim 1 in regard to the design of the existing aircraft as thus modified by the user, to enable the user to evaluate flight characteristics of the design of the existing aircraft as thus modified by the user.

Art Unit: 2123

25. In regards to Claim 6, Zyskowski teaches the following limitations (See Zyskowski, especially: pp.1-2, 6, and 11):

6. (Original) The method of Claim 1, further comprising the step of modifying the flight model data files that were generated, based upon empirical data determined from use of the flight simulation program, to increase an accuracy of the flight characteristics experienced when simulating flying of the aircraft in the flight simulation program.

26. In regards to Claim 7, Zyskowski teaches the following limitations (See Zyskowski, especially: pp.1-2, 6, and 11):

7. (Original) The method of Claim 1, wherein the step of producing the flight model data files includes the step of producing one flight model data file that includes binary data defining the aerodynamic coefficients for a plurality of component surfaces of the aircraft.

27. In regards to Claim 8, Zyskowski teaches the following limitations (See Zyskowski, especially: pp.1-2, 6, and 11):

8. (Original) The method of Claim 1, wherein the step of producing the flight model data files includes the step of producing one flight model data file that includes at least some of the plurality of parameters input by the user that do not directly affect the flight characteristics of the aircraft.

28. In regards to Claim 9, Zyskowski teaches the following limitations (See Zyskowski, especially: pp.1-2, 6, and 11):

9. (Original) The method of Claim 8, wherein said one flight model data file defines at least one of:

- (a) an instrument panel configuration for the aircraft; and
- (b) a plurality of sounds experienced when simulating flying of the aircraft.

29. In regards to Claim 10, Zyskowski teaches the following limitations (See Zyskowski, especially: pp.1-2, 6, and 11):

10. (Original) The method of Claim 1, wherein the step of processing the plurality of parameters comprises the steps of:

- (a) determining an order in which the aerodynamic coefficients for specific component surfaces of the aircraft are generated; and
- (b) generating the aerodynamic coefficients for the component surfaces in the order determined.

30. In regards to Claim 11, Zyskowski teaches the following limitations (See Zyskowski, especially: pp.1-2, 6, and 11):

11. (Original) A memory medium on which are stored machine instructions for carrying out the steps of Claim 1.

31. In regards to Claim 12, Zyskowski teaches the following limitations (See Zyskowski, especially: pp.1-2, 6, and 11):

12. (Currently Amended) A method for enabling a user to create or modify a design for an aircraft and evaluate flight characteristics of the design as created or modified by the user, comprising the steps of:

- (a) enabling the user to input a plurality of parameters that define the design of the aircraft;
- (b) processing the plurality of parameters to generate a plurality of aerodynamic coefficients in a predefined sequence, said predefined sequence being selected to ensure that any aerodynamic coefficients required to generate other aerodynamic coefficients of component surfaces are generated first, said aerodynamic coefficients being generated to define a flight model for the design of the aircraft;
- (c) producing flight model data in a format that is compatible with a selected flight simulation program; and
- (d) enabling the user to evaluate the flight characteristics of the design by interactively simulating flying of the aircraft using the selected flight simulation program, said flight simulation program using the flight model data, wherein said interactively, simulated flying of the
li aircraft enables the user's evaluation to be substantially based on a point of view of a pilot flying the aircraft.

32. In regards to Claim 13, Zyskowski teaches the following limitations (See Zyskowski, especially: pp.1-2, 6, and 11):

13. (Original) The method of Claim 12, wherein the step of producing the flight model data comprises the step of producing a binary flight model data file that includes the aerodynamic coefficients for the aircraft and an environmental flight model data file that includes at least one of:

- (a) a control panel configuration; and
- (b) a set of sounds experienced by the user while simulating flying of the aircraft with the flight simulation program.

33. In regards to Claim 14, Zyskowski teaches the following limitations (See Zyskowski, especially: pp.1-2, 6, and 11):

14. (Currently Amended) The method of Claim 12, further comprising the steps of:
- (a) enabling the user to modify a plurality of parameters for an existing aircraft design; and
 - (b) carrying out steps (b) through (d) in Claim 12 for the existing aircraft design as thus modified.

34. In regards to Claim 15, Zyskowski teaches the following limitations (See Zyskowski, especially: pp.1-2, 6, and 11):

15. (Original) The method of Claim 12, further comprising the steps of:
- (a) associating allowed limits for at least some of the plurality of parameters; and
 - (b) excluding entry of any parameter that is outside the allowed limits associated with said parameter.

35. In regards to Claim 16, Zyskowski teaches the following limitations (See Zyskowski, especially: pp.1-2, 6, and 11):

16. (Original) The method of Claim 12, further comprising the step of modifying the flight model data that was generated, based upon empirical data. determined from use of the flight simulation program, to increase an accuracy of the flight characteristics experienced when simulating flying of the aircraft in the flight simulation program.

36. In regards to Claim 17, Zyskowski teaches the following limitations (See Zyskowski, especially: pp.1-2, 6, and 11):

17. (Original) The method of Claim 12, wherein an aerodynamic coefficient for aircraft lift curve slope is generated before an aerodynamic coefficient for static longitudinal stability.

37. In regards to Claim 18, Zyskowski teaches the following limitations (See Zyskowski, especially: pp.1-2, 6, and 11):

18. (Original) A memory medium on which are stored machine instructions for carrying out the steps of Claim 12. .

38. In regards to Claim 19, Zyskowski teaches the following limitations (See Zyskowski, especially: pp.1-2, 6, and 11):

19. (Currently Amended) A system for enabling a user to create or modify a design for an aircraft and evaluate flight characteristics of the design, comprising:
- (a) a memory in which are stored machine instructions that define a plurality of functions;
 - (b) a display;
 - (c) a user input device for input of data, commands, and for controlling the aircraft; and
 - (d) a processor that is coupled to the memory, the display, and the user input device, said processor executing the machine instructions to carry out the plurality of functions, including:
 - (i) enabling the user to input a plurality of parameters that define the design of the aircraft through the input device;

- (ii) processing the plurality of parameters to generate a plurality of aerodynamic coefficients that define a flight model for the design of the aircraft;
- (iii) producing a plurality of flight model data files that include the aerodynamic coefficients generated and selected parameters input by the user; and
- (iv) enabling a user to evaluate the flight characteristics of the design by simulating flying of the aircraft interactively in response to graphic images on the display, responsive to controls and commands provided by the user with the input device, wherein the flight characteristics of the design are during simulated during flying are based upon the plurality of flight model data files.

39. In regards to Claim 20, Zyskowski teaches the following limitations (See Zyskowski, especially: pp.1-2, 6, and 11):

20. (Original) The system of Claim 19, wherein the plurality of parameters include geometric properties of the aircraft, and wherein the processor uses the geometric properties to determine a force developed by each of a plurality of component surfaces of the aircraft.

40. In regards to Claim 21, Zyskowski teaches the following limitations (See Zyskowski, especially: pp.1-2, 6, and 11):

21. (Original) The system of Claim 19, wherein the machine instructions cause the processor to:

- (a) associate allowed limits for at least some of the plurality of parameters; and
- (b) provide an indication if a user enters a parameter that is outside the allowed limits associated with said parameter.

41. In regards to Claim 22, Zyskowski teaches the following limitations (See Zyskowski, especially: pp.1-2, 6, and 11):

22. (Original) The system of Claim 21, wherein the machine instructions cause the processor to refuse entry of any parameter that is outside the allowed limits associated with said parameter.

42. In regards to Claim 23, Zyskowski teaches the following limitations (See Zyskowski, especially: pp.1-2, 6, and 11):

23. (Currently Amended) The system of Claim 19, wherein the machine instructions further cause the processor to:

- (a) enable a user to modify at least one of a plurality of parameters of an existing design for an aircraft; and

(b) repeat steps (b) through (d) in Claim 19 in regard to the design of the existing aircraft as thus modified by the user, to enable the user to evaluate flight characteristics of the design of the existing aircraft as thus modified by the user.

43. In regards to Claim 24, Zyskowski teaches the following limitations (See Zyskowski, especially: pp.1-2, 6, and 11):

24. (Original) The system of Claim 19, wherein the machine instructions further cause the processor to modify the flight model data files that were generated, based upon empirical data determined for flight simulation, to increase an accuracy of the flight characteristics experienced when simulating flying of the aircraft.

44. In regards to Claim 25, Zyskowski teaches the following limitations (See Zyskowski, especially: pp.1-2, 6, and 11):

25. (Original) The system of Claim 19, wherein the machine instructions cause the processor to produce one flight model data file that includes binary data defining the aerodynamic coefficients for a plurality of component surfaces of the aircraft.

45. In regards to Claim 26, Zyskowski teaches the following limitations (See Zyskowski, especially: pp.1-2, 6, and 11):

26. (Original) The system of Claim 19, wherein the machine instructions cause the processor to produce one flight model data file that includes at least some of the plurality of parameters input by a user that do not directly affect the flight characteristics of the aircraft.

46. In regards to Claim 27, Zyskowski teaches the following limitations (See Zyskowski, especially: pp.1-2, 6, and 11):

27. (Original) The system of Claim 26, wherein said one flight model data file defines at least one of:

- (a) an instrument panel configuration for the aircraft; and
- (b) a plurality of sounds experienced when simulating flying of the aircraft.

47. In regards to Claim 28, Zyskowski teaches the following limitations (See Zyskowski, especially: pp.1-2, 6, and 11):

28. (Original) The system of Claim 19, wherein the machine instructions cause the processor to:

- (a) determine an order in which the aerodynamic coefficients for specific component surfaces of the aircraft are generated; and
- (b) generate the aerodynamic coefficients for the component surfaces in the order thus determined.

48. In regards to Claim 29, Zyskowski teaches the following limitations (See Zyskowski, especially: pp.1-2, 6, and 11):

29. (Original) A system for enabling a user to create or modify a design for an aircraft and evaluate flight characteristics of the design, comprising:

(a) a memory in which are stored machine instructions that define a plurality of functions;

(b) a display;

(c) a user input device for input of data, commands, and for controlling the aircraft; and

(d) a processor that is coupled to the memory, the display, and the user input device, said processor executing the machine instructions to carry out the plurality of functions, including:

(i) enabling the user to input a plurality of parameters with the user input device, to define the design of the aircraft;

(ii) processing the plurality of parameters to generate a plurality of aerodynamic coefficients in a predefined sequence, said predefined sequence being selected to ensure that any aerodynamic coefficients required to generate other aerodynamic coefficients of component surfaces are generated first, said aerodynamic coefficients being generated to define a flight model for the design of the aircraft;

See especially p.6, right column, which teaches "The non-dimensional aerodynamic coefficients can then be broken down in more finite components, which are defined on a per-flight model basis. These are the so-called steady-state derivatives³"

(iii) producing flight model data; and

(iv) enabling the user to evaluate the flight characteristics of the design by simulating flying of the aircraft interactively in response to graphic images on the display and controls and commands provided with the input device, using the flight model data.

49. In regards to Claim 30, Zyskowski teaches the following limitations (See Zyskowski, especially: pp.1-2, 6, and 11):

30. (Original) The system of Claim 29, wherein the machine instructions cause the processor to produce a binary flight model data file that includes the aerodynamic coefficients for the aircraft and an environmental flight model data file that includes at least one of

(a) a control panel configuration; and

(b) a set of sounds experienced by the user while simulating flying of the aircraft.

50. In regards to Claim 31, Zyskowski teaches the following limitations (See Zyskowski, especially: pp.1-2, 6, and 11):

31: (Currently Amended) The system of Claim 29, wherein the machine instructions further cause the processor to:

- (a) enable a user to modify a plurality of parameters for an existing aircraft design; and
- (b) carry out steps (b) through (d) in Claim 29 for the existing aircraft design as thus modified.

51. In regards to Claim 32, Zyskowski teaches the following limitations (See Zyskowski, especially: pp.1-2, 6, and 11):

32. (Original) The system of Claim 29, wherein the machine instructions further cause the processor to:

- (a) associate allowed limits with. at least some of the plurality of parameters; and
- (b) exclude entry of any parameter that is outside the allowed limits associated with said parameter.

52. In regards to Claim 33, Zyskowski teaches the following limitations (See Zyskowski, especially: pp.1-2, 6, and 11):

33. (Original) The system of Claim 29, wherein the machine instructions further cause the processor to modify the flight model data that was generated, based upon empirical data determined from other simulated flying, to increase an accuracy of the flight characteristics experienced when simulating flying of the aircraft.

53. In regards to Claim 34, Zyskowski teaches the following limitations (See Zyskowski, especially: pp.1-2, 6, and 11):

34. (Original) The system of Claim 29, wherein an aerodynamic coefficient for aircraft lift curve slope is generated before an aerodynamic coefficient for static longitudinal stability.

Response to Arguments

54. Examiner has found Applicant's arguments regarding the Reed reference to be persuasive, and has withdrawn the Reed reference.

55. New rejections have been applied, based on the Zyskowski reference.

56. Examiner has mapped the Zyskowski reference to Applicant's arguments (see the 35 USC § 102(b) on-sale bar rejection for the details).

Art Unit: 2123

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ayal I. Sharon whose telephone number is (571) 272-3714. The examiner can normally be reached on Monday through Thursday, and the first Friday of a bi-week, 8:30 am – 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached at (571) 272-3749.

Any response to this office action should be faxed to (571) 273-8300, or mailed to:

USPTO
P.O. Box 1450
Alexandria, VA 22313-1450

or hand carried to:

USPTO
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center 2100 Receptionist, whose telephone number is (571) 272-2100.

Ayal I. Sharon
Art Unit 2123
February 15, 2006


Paul L. Rodriguez 2/17/06
Primary Examiner
Art Unit 2125